

get back one's sparkle, the said combination of letters having attained such meaning as the result of an advertisement in a Cleveland paper, as follows: "Sleeplessness Overcome Naturally by Harmless Formula Sure, safe, non-habit forming NOD stops all forms of Nervousness, Restlessness, allowing sleep to come naturally. One Tablet soothes Tense Nerves—Makes Possible a full Nights Natural Sleep—no narcotics. Get back your sparkle, be yourself, Try NOD tonight—at all druggists."

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28305. Adulteration and misbranding of absorbent cotton. U. S. v. 32 Cartons of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 39330. Sample No. 27594-C.)

This product was represented to be sterile, whereas it was contaminated with viable aerobic and anaerobic micro-organisms.

On April 7, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cartons of absorbent cotton at West Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 10, 1937, by Seabury, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Physicians and Surgeons Sterilized Absorbent Cotton"; "Fordham Sterilized Products New York."

It was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Sterilized Absorbent Cotton," since it was not sterile but contained viable micro-organisms.

It was alleged to be misbranded in that the statements on the label, "Physicians and Surgeons Sterilized Absorbent Cotton" and "Fordham Sterilized Products," were false and misleading since it was not sterile.

On November 30, 1937, the claimant having withdrawn its appearance, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28306. Misbranding of Leto's for the Gums. U. S. v. 140 Bottles and 20 Bottles of Leto's for the Gums. Decrees of condemnation. Product ordered destroyed. (F. & D. Nos. 40386, 40480. Sample Nos. 39830-C, 39837-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On September 30, 1937, and January 7, 1938, the United States attorneys for the Districts of Colorado and Wyoming, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 140 bottles of Leto's for the Gums at Denver, Colo., and 20 bottles of the same product at Cheyenne, Wyo., consigned by the Leto Remedy Co., from San Antonio, Tex., alleging that the article had been shipped in interstate commerce in part on or about November 24, 1936, and in part on or about April 14, 1937, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted essentially of copper sulphate, a small amount of iodine, and water.

It was alleged to be misbranded in that the following statements borne on the labeling, regarding its curative or therapeutic effects, were false and fraudulent: "A Reliable Application For the Gums To Reduce Soreness—Inflammation * * * Use as directed by dentist, or, in the absence of his advice as follows: 1—Rub gums thoroughly with your finger so as to squeeze all pus out of pockets which form around teeth, and make blood circulate freely in gums.—Wash mouth with warm water. 3—Apply liquid on gums thoroughly with nugget of cotton twice daily. Where pus pockets are deep around teeth, wrap strand of cotton around small end of tooth-pick, dip in medicine and insert as deeply as possible into said pockets. Should any tartar be present on teeth, it is advisable and important to have your dentist remove same. After all pus and bleeding has stopped use medicine once or twice weekly."

On November 15, 1937, no claim having been entered for the product seized at Denver, Colo., it was condemned and ordered destroyed. On February 16, 1938, the Leto Remedy Co., claimant for the lot seized at Cheyenne, having consented to the entry of a decree, judgment of condemnation was entered with

provision for release under bond for relabeling. On April 15, 1938, the claimant having failed to file a bond for release of the product, it was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28307. Misbranding of Jim Wade Hygienic Powder. U. S. v. 89 Bottles of Jim Wade Hygienic Powder. Default decree of condemnation and destruction. (F. & D. No. 39244. Sample No. 21755-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On March 22, 1937, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 bottles of Jim Wade Hygienic Powder at Beaumont, Tex., alleging that the article had been transported in interstate commerce from Shreveport, La., on or about November 25, 1935, for Jim Wade, Inc., by Jim Wade in person, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of copper sulphate, zinc sulphate, and ammonium alum.

It was alleged to be misbranded in that the following statements in the labeling were statements regarding its curative or therapeutic effects, and were false and fraudulent: (Bottle) "Hygienic Powder"; (circular) "Hygienic Powder When used as directed, for vaginal douche or irrigation, it is very * * * soothing and healing to inflamed or irritated mucus membrane. It is highly recommended as a preventative and curative agent in vaginal irritations. Inflammations, ulcerated condition, vaginal discharges, soreness and heavy feelings due to swollen and irritated conditions of the femal organs. And for general feminine hygiene. Directions For vaginal douche or irrigation prepare as follows: Dissolve (one level teaspoonful) of Jim Wade Hygienic Powder in one-half gallon of water (warm water will give best results) and use a douche, one to three times daily."

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28308. Misbranding of Rx 444 For Males and Rx 333 For Females. U. S. v. Wallace N. Key, Arthur E. Fest, and Benjamin H. Hickman. Pleas of nolo contendere by Arthur E. Fest and Benjamin H. Hickman. Plea of guilty by Wallace N. Key. Total fines, \$600 and costs. (F. & D. No. 39447. Sample Nos. 13672-C, 13673-C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wallace N. Key, Arthur E. Fest, and Benjamin H. Hickman, of Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about October 24, 1936, from the State of Illinois into the State of Louisiana of quantities of the drugs described above, which were misbranded. The articles were labeled in part: "Foundation Laboratories Chicago Illinois A Gland Food."

Analyses showed that the products consisted essentially of water, small amounts of phosphates, magnesium compounds, protein, and perfume and alcohol, the Rx 444 containing 40 percent and the Rx 333 containing 34 percent of alcohol.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that the Rx 444 was effective as a health-giving force; effective to relieve and cure the worst symptoms of prostate gland trouble and to restore lost vitality, zest for joyful living, and youthful spirit and ambition; effective as a treatment, remedy, and cure for ailments due to a swollen prostate, such as frequent urination, backaches, pains in the limbs, restlessness, loss of sleep, pains in the pelvic region or perineum (crotch), prostatitis, nervous disturbances, feelings of depression, the "blues," disturbances of the reproductive system, neurasthenia, melancholia, irritated nerve centers, pains resembling sciatic rheumatism, disturbed digestion, and hindered bowel movements; effective as a treatment, remedy, and cure for restlessness, loss of sleep, loss of weight and grouchiness due to a congested prostate; effective to relieve prostate abnormalities resulting from its